

APR 29 2024

In the United States Court of Appeals  
for the Eighth Circuit**U.S. Court of Appeals  
Eighth Circuit**

SORPTIVE MINERALS INSTITUTE, )  
Petitioner, )  
v. ) No. 24-1889  
)

MINE SAFETY AND HEALTH )  
ADMINISTRATION, and JULIE SU, )  
ACTING SECRETARY OF LABOR, )  
UNITED STATES DEPARTMENT OF )  
LABOR, )

Respondents.

**PETITION FOR REVIEW**

Pursuant to § 101(d) of the Federal Mine Safety and Health Act, 30 U.S.C. § 811(d), and Federal Rule of Appellate Procedure 15, Petitioner, the Sorptive Minerals Institute (“SMI”) hereby petitions this Court to review the United States Secretary of Labor’s and the Mine Safety and Health Administration’s final rule entitled, “Lowering Miners’ Exposure to Respirable Crystalline Silica and Improving Respiratory Protection.” 89 FR 28218 (April 18, 2024) (Attached as Exhibit 1)<sup>1</sup>

Date: April 29, 2024

Respectfully submitted,

/s/ Aaron Gelb  
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<sup>1</sup> SMI is a national trade association with members impacted by the final rule, including in the Eighth Circuit.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Petition for Review** was served on April 29, 2024, by electronic delivery, on the following Respondents:

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*/s/ Aaron Gelb*  
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